

BRITISH VIRGIN ISLANDS COMMISSION OF INQUIRY

PRESS NOTICE

MISINTERPRETATION OF THE COMMISSIONER'S OPENING STATEMENT

The Commission of Inquiry ("the COI") was issued on 19 January 2021 to look into whether corruption, abuse of office or other serious dishonesty may have taken place amongst public, elected and statutory officials in recent years. The Rt Hon Sir Gary Hickenbottom is the sole Commissioner.

The Commission held its first hearing yesterday (4 May 2021). The Commissioner began by making an opening statement on the progress of the COI so far, the purpose of the initial hearings he intends to hold, and the reason why at least some of those hearings need to be private at least in the first instance. The statement made clear that the Commissioner is committed to openness and transparency. The full text of the statement is available on the COI website.

This Press Notice has been issued to correct a misinterpretation that has arisen in the media's reporting of the Commissioner's opening statement as to his decision to hold private hearings. The suggestion in some media reporting that the Commissioner wishes hearings to be in private or "secret" has no foundation. It is his wish that each hearing is made public to the fullest extent. However, he is required to take into account the rights and obligations of those who appear before him.

A number of governmental bodies have provided documents to the COI. In respect of these documents, the Attorney General has confirmed that the Government reserves its position as regards its rights of privilege and confidentiality. These issues affect how such documents can be used and disclosed by the COI. The Commissioner has decided that his initial hearings need to be in private to allow for the secure provision of information and documents over which such rights are or may be maintained. The provision of such information and documents is necessary to the continued work of the COI.

However, the Commissioner's intention is that, wherever possible, the work of the COI should be conducted in public so as to keep the BVI public aware of its progress. In respect of yesterday's hearing, he has invited the Attorney General to make submissions as to why he should not publish the full transcript. Once he has received those submissions, the Commissioner will decide whether the transcript can be published, with necessary redactions if appropriate. It is his intention that these transcripts be made available on the COI website. Public access to the transcripts will ensure transparency and avoid the misreporting of hearings. In respect of hearings in which there are no issues such as privilege and confidentiality, it is the Commissioners' intention that they be live-streamed.

At the first hearing, the Commissioner heard oral submissions from the Attorney General on her application to participate in the COI in her own right and on behalf of a number of identified government bodies. The Commissioner subsequently received evidence from the Cabinet Secretary, Ms Sandra Ward. The Commissioner has issued orders following the hearing, which will in any event be published on the COI website shortly.

Steven Chandler
Secretary to the Commission

5 May 2021